

CHEROKEE COUNTY OFFICE OF THE SHERIFF STANDARD EVIDENCE OPERATING PROCEDURE

6.11 Evidence and Property

I. This policy order is to provide guidelines for the proper handling, care, custody and control of evidence and property. This will ensure the legal integrity of evidence and property through maintenance of an unbroken chain of custody and physical custody.

A. Officer Responsibility

1. It shall be the responsibility of the officer processing or overseeing the processing of the scene to ensure all evidence is properly processed. It is also the responsibility of the officer to ensure the proper personnel are on scene for the purpose of processing the and securing the scene.

2. Processing the scene may include protecting the scene, documenting all entries or persons allowed into the scene, photographing, diagramming and sketching the scene and the collection and preservation of evidence.

3. It shall be the responsibility of the processing officer to personally submit all evidence into property before ending his/her tour of duty. All property and/or evidence collected by Office of the Sheriff Deputies shall be processed properly through their chain of custody until such time as it is returned to the Office of The Sheriff.

4. This also applies to the Cherokee County Office of the Sheriff Investigations Division and/or Crime Scene Personnel of the Office of The Sheriff.

5. Property not properly packaged and labeled will remain in the temporary evidence locker. The evidence custodian will contact the submitting officer and have him/her properly package and label the evidence/property before being accepted and placed into permanent storage room.

B. Primary Evidence Custodian

1. The Primary Evidence Custodian is responsible for all property/evidence in his/her control, and only he or the Secondary Evidence Custodian has access to areas used to store the property/evidence.

2. The Primary Evidence Custodian shall maintain records accurately reflecting the exact location, status, date and time the property was received or released, character, type and amount of property on hand, and the chain of custody from the time property is stored until its final disposition.

3. It is also the responsibility of the Primary Evidence Custodian to ensure that all evidence is entered into the data bank used by the office and properly bar-coded for identification.

C. Secondary Evidence Custodian

1. The Secondary Evidence Custodian shall assist the Primary evidence Custodian in all tasks associated with the seizure, submission, storage and disposal of property and shall act as the Primary Evidence Custodian in the absence of the Primary Custodian.

D. Submission of Evidence/Property

1. A Cherokee County Office of the Sheriff Seized Property Report Property Record shall be completed and submitted with all seized property/evidence coming into custody of this agency. The property and the seized property report shall then be submitted to the evidence custodian or placed in temporary storage after hours or when the evidence custodian is not available.

E. Packaging Property

1. All property/evidence shall be packaged, sealed and properly identified with the submitting officer's name, date, time collected, OCA number, description of the item including make, model number, serial number and any other special information available prior to its packaging.

Note: Evidence tape and evidence envelopes, bags and containers are stored in a file cabinet in the work area of the squad room.

2. Property belonging to a victim and a suspect shall never be packaged together. When property, because of its size, cannot be packaged, the completed property record must be securely attached to the property itself. Items such as clothes stained with blood, body fluid, or other wet liquids shall be dried prior to placing them in an evidence bag. Brown paper bags should be used rather than plastic or air tight plastic bags which will cause condensation and mold. Drying items shall be kept secure and attended if not in the custody of the evidence custodian

F. Money and/or Extraordinarily Valuable Evidence/Property

1. Valuable property is defined by monetary value of the property being more than \$500.00, or the uniqueness of the property or other indicators which designate value or worth.

2. All monies shall be counted by the submitting officer in the presence of at least one other officer/witness. The monies will then be packaged, sealed and signed by the officer and witness.

3. Money shall be packaged separately from all other evidence/property. The money shall then be placed in the property vault or in a temporary evidence/property locker.

4. If an officer recovers money in excess of \$2,500.00, the evidence custodian will be called in, regardless if he is on duty or off-duty, to verify the amount of currency and place it in the evidence storage facility.

G. Firearm

1. Prior to submitting any firearm, it shall be unloaded and plastic zip-ties should be threaded through the working mechanism of the firearm.

2. Firearms shall not be packaged or stored with any other property. Officers shall check all firearms through NCIC prior to submission to the evidence custodian.

H. Oversized and Heavy Evidence/Property

1. Any item that cannot be placed in the temporary storage lockers shall be maintained by the seizing officer until the evidence custodian can be contacted to receive the item(s).

2. Hazardous Evidence/Property When hazardous property such as highly flammable materials, explosives, fireworks etc., is collected, the item(s) shall be maintained by the seizing officer until the evidence custodian can be contacted to receive the item(s).

I. Drugs and Paraphernalia

1. All drugs must be packaged separately from paraphernalia in a clear plastic evidence bag unless otherwise dictated.

2. During hours when the evidence custodian is not on-duty and the quantities of drugs are too large for the temporary storage lockers, the evidence custodians shall be called back to receive the property and secure the property in the evidence/property vault.

J. Evidence/Property Requiring Refrigeration

1. In cases where seized property requires refrigeration, the evidence custodian shall be contacted.

K. Computer Equipment

1. Computer equipment may contain fragile, valuable information. Care must be taken so as not to damage the equipment or lose information contained in the system. Circumstances of search/seizure request must be considered and proper collection procedures followed.
2. Photographs should be taken to document the condition of the equipment and show how the system was configured.
3. A wiring diagram will be prepared to illustrate all connections. Cables should be tagged before disconnecting. Vacant ports should be labeled as "Vacant" to avoid confusion later.
4. Personnel shall not attempt to retrieve any information from the computer or touch any keyboard keys or other controls.
5. If at time of search/seizure the computer has been turned off, unplug the computer from the power source and follow above procedures to collect and turn in as evidence.
6. If at time of search/seizure the computer is on, the best course of action depending on the circumstances is to call out to the scene or consult with a computer expert. If a computer expert is called to the scene, no one should be allowed to handle any part of the computer system.
7. If the computer is on at the time of search/seizure and it is determined that no computer expert will be called to the scene, photograph the current monitor screen, then unplug the computer from the power source and follow the above procedures to collect and turn in.
8. When collecting computer equipment or other electronic media, care must be taken to avoid static electricity and/or magnetic fields, as important data could be lost or destroyed.

L. Digital Crime Scene Photography

1. The use of digital cameras and photography along with standard film cameras shall be an appropriate and acceptable method of documenting a crime scene, evidence, or other activity through photographic methods. Film processing shall be performed at a retail establishment approved by the Cherokee County Sheriff's Office or at the State Bureau of Investigation Crime Laboratory when deemed appropriate. Photographs made by the use of a digital camera shall be treated just as any other items of evidence shall be treated. The digital photographs made shall be downloaded on a specified computer in the following manner:
2. The officer responsible for taking digital photographs shall download the photographs to the specified computer as soon as possible after obtaining photographs and before ending his/her tour of duty for the day
3. The officer shall create a folder in the appropriate photograph file on the specified computer and title the folder with the appropriate name or case file number associated with the photographs.
4. The officer shall download the digital photographs to the appropriate folder and verify the transfer of the photographs to the appropriate folder by opening the folder and viewing the contents for accuracy.
5. The officer shall not delete any photographs from the camera memory until the transfer of photographs has been verified.

6. The officer shall not edit or manipulate the photographs any way other than viewing the photograph(s) downloaded and/or printing copies of the photograph(s) for his/her official reports.

7. The officer shall make a notation in the case report associated with the downloaded photographs to alert the evidence custodian of downloaded digital crime scene photographs.

8. The compact disc(s) containing the digital photographs shall be marked with the case file number, victim or offenders names, date photographs were recorded to the compact disc and any other data to ensure identification and authenticity of the data contained on the compact disc(s).

9. The property officer shall make an appropriate number of duplicate copies of the compact disc containing the downloaded digital photographs for appropriate distribution to agencies such as the District Attorney's Office, State Bureau of Investigation, Attorney's Office(s) and extra agency copies.

10. Any editing of digital crime scene photographs shall be conducted by using a copy of the original digital crime scene photographs only. The editing shall be conducted using computer software approved by the Cherokee County Sheriff's Office and an official investigative report shall be generated by the officer conducting the editing process explaining what action(s) were taken and/or applied to the photographs during the edit process. This investigative report shall be maintained in the appropriate case file associated with the digital photographs being edited.

11. The edited photograph shall be saved in its edited format to a separate compact disc as outlined under sections 7, 8 and 9 of this section titled Digital Crime Scene Photography.

M. Vehicles

1. Officers who seize store or tow any vehicle pursuant to a criminal act, civil action, or driving offense shall complete a Cherokee County Seized Vehicle report seized vehicle report for each vehicle. The report record shall include the description of the vehicle and the location where the vehicle was stored.

2. The keys to the seized vehicle shall be collected and packaged as any other evidence and submitted along with the Seized Vehicle Report to the evidence custodian or placed in the temporary storage lockers.

III. Storage of Evidence/Property

A. All property in the control of this agency shall be maintained in designated secure areas. Oversized and heavy evidence/property may be stored and maintained at a secure offsite location if necessary.

IV. Storage of Evidence/Property after Hours

A. When the property office is closed and/or the evidence custodian is not available, all evidence/property shall be placed into temporary storage utilizing the following procedure:

1. Properly package item(s) according to the type of evidence/property;

2. Complete a Seized Property Report

3. Place the Seized Property Report and the evidence/property into the temporary storage lockers; and

4. After securing item(s) in the lockers, close and lock the temporary evidence door and place the key back in the slot provided in the door of the locker where the evidence was placed.

5. Under no circumstances shall the member keep the key to the temporary evidence locker in his/her possession.
6. All seized property shall be placed in temporary evidence facility or turned in to an evidence custodian prior to the collecting member's end of duty. Under no circumstances shall a member keep seized property in their vehicle over night.
7. Evidence/Property is not to be stored or kept in desks, offices, halls or any other unsecured location.

V. Evidence Needing Laboratory Testing

- A. Any evidence needing to be submitted to the State Bureau of Investigation (SBI) for analysis must first be logged into evidence by an evidence custodian, which includes the completion of the Cherokee County Seized Property Report.
- B. After the evidence is properly logged in by an evidence custodian, the investigating officer is responsible for submitting the evidence to the SBI via United States Mail, UPS or hand delivery to the SBI.
- C. When evidence is returned from the SBI, the evidence and analysis documentation received from the SBI Laboratory shall be hand delivered to the evidence custodian who will be responsible for documenting the date and time the evidence was received and the custodian shall also be responsible for documenting that the evidence was placed back into permanent storage.

VI. Taking Evidence/Property to Court

- A. When evidence is removed from the evidence room for presentation as evidence in court, the chain of custody shall be maintained by signing the evidence out through the evidence custodian.
- B. Where feasible, the evidence custodian should be notified twenty-four hours in advance of the court date in order to accommodate these requests. Property may not be passed from one officer to another for the purpose of returning it to the property office. The officer checking out the evidence/property is responsible for returning the property.
- C. Property introduced as evidence may be maintained by the Clerk of Superior Court during the trial. Upon completion of the trial, the evidence shall either be returned to the evidence custodian for final disposition or left in the custody of the Clerk of Superior Court. In cases where the evidence is retained by the Clerk of Superior Court, the officer shall obtain a written receipt from the clerk and forward the receipt to the evidence custodian.

VII. Disposition of Evidence/Property

- A. It shall be the responsibility of the submitting officer to stay informed of the status of any property submitted. Once a case has been disposed of, it shall be the responsibility of the submitting officer to notify the evidence custodian. Any evidence/property no longer required by the courts or the submitting officer shall be disposed of in one of the following manners:
 1. Return to the proper owner, heir or estate.
 2. Dispose of in accordance with state law and agency policy
 3. All property must be finally disposed of within one year after final disposition or any other legal requirements are satisfied.

4. Homicide evidence shall be maintained for an indefinite period of time due to an exhaustive appeals process.

VIII. Inspections/Quality Control

A. The evidence custodian shall conduct a yearly audit of all evidence in storage which will be used to ascertain that evidence procedures are being followed. Unannounced inspections may be conducted as directed by the Sheriff or his designee.

B. In the event of the change of a Primary Evidence Custodian, an entire inventory of all seized property shall be conducted by the newly appointed evidence custodian and one other person designated by the Sheriff. This inventory shall be used to determine if records are properly kept and seized property policies have been followed.



MEMORANDUM

TO: SHERIFF R. K. LOVIN

FROM: LIEUTENANT A. J. DICKEY

DATE: 30 MAY 2012

RE: 2012 EVIDENCE AND SEIZED PROPERTY INVENTORY

As required by CCSO Policy, an inventory of all evidence and seized property was conducted for the calendar year 2012.

The inventory began on Tuesday, 22 May 2012 and was concluded on Wednesday 30, May 2012. The inventory was of items that were currently in storage as of 22 May 2012.

The inventory was completed by Primary Evidence Custodian Lieutenant A. J. Dickey and Secondary Evidence Custodian Nelson Slawter.

There was a total of 1208 Items inventoried. A breakdown of those items is as follows:

7 - Items of Alcohol	15 - Digital Media Items
33 - Items of Ammunition	5 - Electronic Items
74 – Biological Items	232- Firearms
41- Cellular Telephones	38 – Items of Currency
24 - Computers	64 - Items of Drug Paraphernalia
291 - Drug Items	384 - Other Items

There were also 12 vehicles currently in storage.